

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SONG-HWA LIU, et al.,

Plaintiffs,

vs.

FEDERAL DEPOSIT INSURANCE
 CORPORATION,

Defendant.

Case No. 2:13-cv-01543-GMN-NJK

REPORT & RECOMMENDATION

This matter is before the court on Plaintiffs' failure to comply with the Court's Order, Docket No. 2. On August 26, 2013, Plaintiff Penny L. Davis filed an incomplete Application to Proceed *In Forma Pauperis*, Docket No. 1. Based on the information in the Application, the Court could not determine whether Plaintiff Davis was qualified to proceed *in forma pauperis*. Accordingly, on August 28, 2013, the Court entered an Order, Docket No. 2, denying Plaintiff Davis' Application without prejudice. The Court instructed that if the Plaintiffs wanted to proceed *in forma pauperis*, each plaintiff, including Plaintiff Song-Hwa Liu and Plaintiff Hui-Ping Liu, would need to file their own Application to Proceed *In Forma Pauperis*. The Court directed the Clerk of Court to mail each Plaintiff a new application, and allowed Plaintiffs to file completed applications or pay the \$400 filing fee on or before September 30, 2013. *See* Docket No. 2, at 2. The Order advised Plaintiffs that failure to comply would result in a recommendation to the District Judge for dismissal. Plaintiffs have not complied or requested an extension of time in which to comply.¹

...

...

¹On August 28, 2013, Plaintiffs filed Supplement to the Complaint, Docket No. 3, which is a series of letters between the Plaintiffs and a Mr. Nelson. This filing does not satisfy the Court's Order.

1 Accordingly,

2 **IT IS RECOMMENDED** that Plaintiff Davis's Application to Proceed *In Forma Pauperis* be
3 DENIED and this action be DISMISSED without prejudice to the Plaintiffs' ability to commence a new
4 action in which they either pay the appropriate filing fee in full or submit completed applications to proceed
5 *in forma pauperis*.

6 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

7 Dated this 2nd day of October, 2013.

8
9
10 
11 **NANCY J. KOPPE**
12 **UNITED STATES MAGISTRATE JUDGE**

13 **NOTICE**

14 These findings and recommendations are submitted to the United States District Judge assigned
15 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being
16 served with these findings and recommendations, any party may file written objections with the court.
17 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
18 recommendations of a magistrate judge shall file and serve *specific written objections* together with
19 points and authorities in support of those objections, within fourteen days of the date of service of the
20 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
21 Findings and Recommendations." The parties are advised that failure to file objections within the
22 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153
23 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject
24 to the page limitations found in LR 7-4.